PURPOSE

This Affordable Housing Plan ("Plan") documents the Applicant's compliance with the Mandatory Affordable Housing Ordinance ("Ordinance") codified at Article X, Chapter 27 of the Denver Revised Municipal Code ("DRMC") and indicates eligibility for the associated zoning incentives provided in the Denver Zoning Code ("DZC") and the financial incentives provided in the DRMC. The Department of Housing Stability ("HOST") and Department of Community Planning and Development ("CPD") oversee the approval of the Plan.

By executing this Plan, the Applicant has committed to comply with the requirements of the Ordinance, DZC, and accompanying Rules and Regulations on the Subject Property as described in this Plan.

I. CONTACT INFORMATION FOR APPLICANT	
Name:	Phone Number:
Email:	
Business Name (if applicable):	Business Address:

II. CONTACT INFORMATION FOR OWNER(S)	
Name:	Phone Number:
Email:	
Business Name (if applicable):	Business Address:

III. PROJECT INFORMATION	
*Applicant must attach a Legal Description as **Exhibit A** to this application.*	
Project Name:	Project Record Number(s) (e.g. Project Master, SDP, LOG):
Project Address:	
City staff must fill out market area information	
Applicable Market Area ☐ Typical Market Area ☐ High Market Area	Date of Market Area Determination:

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IV. PROJECT DETAILS

Development Description (include all uses as defined by the Denver Zoning Code):

Is the project any of the following: ownership condos, townhomes, single/two-unit developments, or phased development?

☐ No ☐ Yes - Please attach an additional document as an Exhibit, such as a site plan, identifying the specific units that will be income restricted as required by this Plan as well as the specific addresses for these units. Additionally, for phased developments, provide the timing of the provision of the Income Restricted Units (IRUs).

Project Residential Dwelling Unit Development Summary

_____ **Total** Number of Dwelling Units in Project

_____ Total **Rental** Dwelling Units	_____ Total **Ownership** Dwelling Units
_____ Studio rental	_____ Studio ownership
_____ 1-bedroom rental	_____ 1-bedroom ownership
_____ 2-bedroom rental	_____ 2-bedroom ownership
_____ 3-bedroom rental	_____ 3-bedroom ownership
_____ 4-bedroom rental	_____ 4-bedroom ownership
_____Other (specify: _____)	_____Other (specify: _____)

V. COMPLIANCE OPTIONS

Applicant shall satisfy the requirements of the Ordinance by:

Applicant must select one compliance option and complete the corresponding section below.

☐ A. Providing Income Restricted Units (IRUs) On-Site (DRMC § 27-224)
☐ B. Fee-In-Lieu (DRMC § 27-225)
☐ C. Negotiated Alternative (DRMC § 27-226)
☐ D. Exception (DRMC § 27-222)

For High Impact Developments, Applicant to coordinate with HOST for High Impact Development Compliance Plan.

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V.A. PROVIDING INCOME RESTRICTED UNITS ON-SITE PER DRMC § 27-224

Applicant must select one compliance option for appropriate market area

High Market Area Build On-site Options

☐ High Market Area Baseline – Option 1 (H-1B)
10% of dwelling units at 60% AMI rental or 80% AMI ownership

☐ High Market Area Baseline – Option 2 (H-2B)
15% of dwelling units averaging 70% AMI rental or 90% AMI ownership

☐ High Market Area Enhanced – Option 1 (H-1E)
12% of dwelling units at 60% AMI rental or 80% AMI ownership

☐ High Market Area Enhanced – Option 2 (H-2E)
18% of dwelling units averaging 70% AMI rental or 90% AMI ownership

Typical Market Area Build On-site Options

☐ Typical Market Area Baseline – Option 1 (T-1B)
8% of dwelling units at 60% AMI rental or 80% AMI ownership

☐ Typical Market Area Baseline – Option 2 (T-2B)
12% of dwelling units averaging 70% AMI rental or 90% AMI ownership

☐ Typical Market Area Enhanced – Option 1 (T-1E)
10% of dwelling units at 60% AMI rental or 80% AMI ownership

☐ Typical Market Area Enhanced – Option 2 (T-2E)
15% of dwelling units averaging 70% AMI rental or 90% AMI ownership

V.B. FEE-IN-LIEU PER DRMC § 27-225

Applicant must select the percent of Income Restricted Units to be used for the fee calculation. No incentives are available if fee-in-lieu compliance option is selected. Fee-in-lieu shall be paid prior to issuance of building permit.

☐ 10% of total dwelling units in a High Market Area – Rental Development

☐ 10% of total dwelling units in a High Market Area – Ownership Development

☐ 8% of total dwelling units in a Typical Market Area – Townhouses

☐ 8% of total dwelling units in a Typical Market Area – Ownership development, dwelling units other than townhouses

☐ 8% of total dwelling units in a Typical Market Area – Rental development up to 7 stories

☐ 8% of total dwelling units in a Typical Market Area – Rental development of 8 or more stories

____ Based on the percentage selected above, number of income-restricted units for fee-in-lieu multiplier

Is the Subject Property in an **Area Vulnerable to Displacement** as defined in DRMC Section 27-220(b) and found online?

☐ Yes ☐No

V.C. NEGOTIATED ALTERNATIVE PER DRMC § 27-226

Applicant must provide a summary of negotiated alternative for HOST evaluation.

V.D. EXCEPTIONS PER DRMC § 27-222

Applicant must attach required documentation as an Exhibit, per Section 4 of the Administrative Rules and Regulations.

Proposed Exception to Mandatory Affordable Housing per DRMC 27-222 (a) – (f): _____

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VI. INCOME RESTRICTED UNITS SUMMARY

_____ **Percent** of total units to be income restricted

_____ **Number** of units to be income restricted

_____ Maximum AMI for all income restricted units or an effective average of _____ AMI

Unit Mix of Income Restricted Units

_____ Studio

_____ 1-bedroom

_____ 2-bedroom

_____ 3-bedroom

_____ 4-bedroom

_____Other (specify: _____)

VII. ELIGIBLE INCENTIVES

City Staff must fill out based on compliance option selected.

Baseline Incentives per DRMC § 27-224(b)

☐ Commercial or residential construction permit fee reduction

☐ Commercial, sales, service and repair use street-level exemption to the linkage fee

Enhanced Incentive per DRMC § 27-224(c)

☐ Height or floor area increase per Article 8 and 10 of the Denver Zoning Code

Note: Zoning incentives include additional standards that may limit applicability and therefore will be reviewed by CPD staff for zoning compliance and full eligibility.

VIII. MINIMUM STANDARDS FOR INCOME RESTRICTED UNITS (IRUs)

All IRUs shall meet the minimum standards per DRMC § 27-224(f) and accompanying Rules and Regulations, summarized below:

A. IRUs shall be maintained as affordable for a minimum term of 99-years per DRMC §27-224(f)(1).

B. The IRUs must be functionally equivalent in construction and appearance to the other dwelling units per DRMC §27-224(f)(2)(ii).

C. The unit mix of IRUs must align with the proportionate mix of the market rate units per DRMC §27-224 (f)(2)(iii).

D. IRUs shall be offered for sale or rent in accordance with the AMI limits per the DRMC and the Rules and Regulations.

E. During initial leasing or continued leasing of IRUs, and during the initial offering or resale of IRUs, Applicants must make a good faith effort to market to eligible households. Applicants should refer to HOST's Equitable Fair Marketing Policies and Procedures in accordance with the requirements of the Rules and Regulations.

F. Housing projects located in an area vulnerable to displacement or containing a minimum of one hundred (100) dwelling units may also be subject to the prioritization program described in Article XII, Chapter 27 of the DRMC.

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IX. COVENANTS (FOR COMPLIANCE OPTIONS A AND C)

Rental projects: As a condition of the issuance of the first certificate of occupancy on the Subject Property for any building that contains IRUs, Applicant will record a Covenant in substantially similar form to that attached to this Plan as an Exhibit**;** AND/OR

For sale projects: Applicant agrees that prior to the recordation of a [condominium declaration (for multifamily developments) OR final subdivision plat] for any building on the Subject Property that contains IRUs, Applicant will record a Covenant in substantially similar form to that attached to this Plan as an Exhibit.

Note: The requirement to record a Rental Covenant will not apply to any structure providing for-rent IRUs meeting the requirements of the Plan that is financed by any combination of tax-exempt private activity bonds, or tax credits to incentivize the development of affordable housing, and that is restricted by law, contract, deed, covenant, or any other legally enforceable instrument.

X. ELECTRONIC SIGNATURE

Applicant consents to the use of electronic signatures by the City. The Plan may be signed electronically by the City in the manner specified by the City. Applicant agrees not to deny the legal effect or enforceability of the Plan solely because it is in electronic form or because an electronic record was used in its formation. Applicant agrees not to object to the admissibility of the Plan in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

NOTE: Do not execute with a signature until city staff has reviewed and initially approved.

XI. APPLICANT APPROVAL

I, the undersigned, being the Applicant, or a duly authorized agent of the Applicant, hereby certify that the information provided above, to my actual knowledge, is true and correct. I agree to construct or cause the construction of the Income Restricted Units in compliance with the plans, requirements, terms and conditions set forth in this Plan, Ordinance, and accompanying Rules and Regulations. I acknowledge I will be unable to receive a Site Development Plan (or relevant) approval until the Affordable Housing Plan is approved.

Print Name *Signature* *Date*

XII. OWNER APPROVAL

I, the undersigned, being the Owner, hereby certify that the information provided above, to my actual knowledge, is true and correct. I agree to construct or cause the construction of the Income Restricted Units in compliance with the plans, requirements, terms and conditions set forth in this Plan, Ordinance, and accompanying Rules and Regulations. I acknowledge I will be unable to receive a Site Development Plan (or relevant) approval until the Affordable Housing Plan is approved.

If there is more than one owner, please provide a supplemental signature page as an Exhibit to this Plan.

Print Name *Signature* *Date*

XIII. HOST APPROVAL

Department of Housing Stability – Print Name *Signature* *Date*

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EXHIBIT A

LEGAL DESCRIPTION

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[EXHIBITS B – E] (IF APPLICABLE):

Please attach:

- Form Covenant(s) – to be provided by City Staff
- Site Plan
- Supplemental documentation for Exceptions
- Supplemental signature pages

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